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ESSAY

Needed: A Special Prosecutor

By William Safire

WASHINGTON — Carterites have set up a straw-man question to help them denigrate the Billygate probe: Did the President's brother influence our Libyan policy? That has never been the real issue — President Carter, if re-elected, would need no urging to tilt Arab and recognize the P.L.O. The central question is: Did the Carter Administration permit the President's brother to sell illegally his apparent influence?

To be more specific:

1. Did the President's brother get White House help in his profiteering on the hostage crisis?

Yes. Even the most see-know-evil Carter partisans admit that Billy Carter used his ability to set up a White House meeting with his Libyan clients, ostensibly about the hostages, for his personal profit.

The White House claims that Billy Carter merely set up a "semi-social" meeting with Dr. Brzezinski and a Libyan representative on Nov. 27 of last year. But belatedly acquired telephone logs show how closely Billy was clued in to his Libyan client's visit to his brother in the Oval Office on Dec. 6.

That December morning at 10:06, Billy called the Libyan Embassy. At 10:08, Billy called Appointments Secretary Philip Wise at the White House. (Wise, who has the notation "10:10 Billy" on his telephone log, professes no recollection of the call.) At 10:30, Dr. Brzezinski called the Libyan Embassy to invite Ali el Hou-dari to the White House immediately.

At 10:36, Billy called Jack McGregor, the man who was setting up his multi-million dollar deal between Charter Oil and the Libyans. At 10:39, Billy called the Libyan Embassy again. From 11:02 to 11:12, the Libyan meets with President Carter. At 2:22 P.M., Billy calls the Libyans again, and makes three follow-up calls to Charter Oil.

That was the meeting that the White House claims Billy Carter had nothing to do with. A couple of weeks later, Billy Carter summoned a White House car, impressively chauffeured by a uniformed member of the U.S. Armed Forces, to take him to the Libyan Embassy. He there dunned Libya for money; that state gratefully turned over \$20,000 within a week. A month later, Billy lied to Government investigators about his hostage profiteering.

2. When the President learned of his brother's unlawful activities from an Intelligence report in April, did he act to enforce the law?

He did not. The President claims that he merely approved of Dr. Brzezinski's call to Billy warning of embarrassment, and did nothing for three months as his brother's deal moved forward. Dr. Brzezinski — who, lest we forget, glibly lied to me about his conversations with Billy about Libya before the Senate hearings — offers the excuse that President Carter was very busy those days.

3. Did Dr. Brzezinski's April 1 call to Billy Carter — revealing Intelligence too secret to be given the F.B.I. — alert the President's brother and the Libyans to secret surveillance?

Yes. "He got no information from me that he didn't know," Dr. Brzezinski explains. "He knew what he was doing." That is pure deception; as Senator Charles Mathias observed sweetly, "He didn't know that anybody else knew that he was doing it."

Within four minutes of Dr. Brzezinski's revelation to Billy that the unlawful deal was being monitored, the President's brother was on the phone to oil lobbyist McGregor — the same man who was given an audience with President Carter for picture-taking purposes, and who testified that he told the President how badly Billy needed money. The morning after Brzezinski's alert, Billy was on the phone to his associates in Tripoli.

As predicted here, Dr. Brzezinski has had to change his story under oath about when he briefed the President on Billy's oil deal. In order to back up the President's assertion about learning of Zbig's call after the fact, the date has been moved to April 2; we are now asked to believe that this hot family news was withheld from the President, down the hall, for 36 hours.

The Director of Central Intelligence asked Dr. Brzezinski to return the incriminating document. Instead, Zbig burned it.

4. Was Justice obstructed by a White House tipoff to Billy Carter about a grand jury in June?

We do not yet know. The man whose office is closest to the President's — Philip Wise, who once worked with Billy in the warehouse — stonewalled with so many "I don't recall" and "no recollections" that one Democratic senator called his testimony "outrageous." The young man who ducked repeated F.B.I. calls denies everything specific and forgets everything embarrassing; he is not so stupid as he would have us believe.

What's going to break this case? Answer: one witness cooperating under prosecutorial duress. After the Senate phase is finished, the sworn testimony, with its many conflicts — will be sent to Justice. A special prosecutor will be required, not only to examine potential perjury but to review the expected internal whitewash of the Attorney General by Michael Shaheen.

The break in this case will come long after the election. At that time, voters will be asking: Why were we told that this was "much ado about nothing"? Where were the watchmen in the night?